

REMARKS

Claims 1 and 22 have been amended to require that the oxyalkylenated compound be a thickening agent present in a composition thickening effective amount. Support for these amendments exists, *inter alia*, in the examples.

Claims 1-22 are currently pending.

The Office Action rejected claims 1-22 under 35 U.S.C. § 103 rejection as obvious over U.S. patent 6,277,797 (“Glenn”). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

The claimed invention requires the presence of an oxyalkylenated thickening agent present in a composition thickening effective amount. Thus, the claimed compositions are thickened compositions.

The significance of this requirement is demonstrated by the examples in the present application. Comparative example 2 (pages 24-25) does not contain PEG-120 methylglucose dioleate, an oxyalkylenated thickening agent. This composition is a “translucent liquid product like water.” When PEG-120 methylglucose dioleate is added to this composition in a composition thickening effective amount, the resulting composition is a “thick translucent gel.” (Example 1, pages 24-25). Thus, adding the claimed oxyalkylenated compound in a composition thickening effective amount results in a thick, “soft-solid” composition. (See, page 3, line 25 through page 4, line 1).

What’s more, the comparative examples on pages 24-25 demonstrate that if one of the claimed elements (foaming surfactant, hydrophilic silica, oxyalkylenated thickening agent) is missing from a composition, the resulting composition is unacceptable. These examples

Application No. 09/903,785
Reply to Office Action of May 12, 2003

demonstrate the criticality of having all three of these elements present in the same composition.

Glenn neither teaches nor suggests the claimed compositions containing the claimed oxyalkylenated compounds in a composition thickening effective amount. Specifically, Glenn neither teaches nor suggests using oxyethylenated or oxyethylenated/oxypropylenated compounds to thicken his compositions. The two portions in Glenn upon which the Office has relied for disclosure relating to oxyalkylenated compounds do not teach or suggest adding oxyalkylenated thickening agents. Col. 12, lines 20-24 relate to lathering surfactants. Col. 13, lines 5-26 relate to “humectants and solutes” which are water-soluble. Neither of these disclosures relates to oxyalkylenated thickening agents.

Based on Glenn's disclosure, one skilled in the art would not be motivated to use oxyalkylenated thickening agents in a composition thickening effective amount. In other words, no motivation would exist to modify Glenn's compositions to yield the claimed compositions.

In view of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 103 is improper and should be withdrawn.

Application No. 09/903,785
Reply to Office Action of May 12, 2003

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



22850

Tel #: (703) 413-3000
Fax #: (703) 413-2220

A handwritten signature in black ink, appearing to read 'R. Treanor', with a long horizontal line extending to the right.

Richard L. Treanor
Attorney of Record
Registration No. 36,379

Jeffrey B. McIntyre
Registration No. 36,867